IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.Rev.Pet.No. 891 of 1998

CRA.356/1995 of SESSIONS COURT, THRISSUR
CC.188/1993 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY
.....

REVN. PETITIONER:

KRISHNAN, S/O KUNJAPPAN,
ALUPURATHU VEETTIL, AKAMALA DESOM,
ATOOR VILLAGE, TALAPPILLY TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNKAULAM.

BY PUBLIC PROSECUTORMR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 4479 OF 1998 IN CRL.R.P.NO. 891 OF 1998

DISMISSED.

12-3-2007 SD/-K.R.UDAYABHANU, JUDGEs

TRUE COPY

P.S.TO JUDGEs

K.R. UDAYABHANU, J.

CRL.R.P.NO.891 OF 1998

DATED THIS THE 12TH DAY OF MARCH 2007

ORDER

The revision petitioner stands convicted for the offence under Section 326 I.P.C. and sentenced, as modified by the appellate court, to undergo rigorous imprisonment for a period of six months and also to pay a compensation of Rs.10,000/-- and in default to undergo rigorous imprisonment for a further period of one year. It is submitted that the first accused, who is the son of the 2nd accused/revision petitioner, is no more and the revision petitioner is aged 70 years. Counsel has only sought for leniency so far as the sentence is concerned.

2. It is submitted that there was a property dispute and the incident was sequel to the same. The prosecution case is that on 2-6-1993 at about 4.45 a.m. the accused on account of previous enmity to CW1 in connection with the property dispute armed with deadly weapons caused hurt to

CW1 and the result of which CW1 lost one tooth of his upper jaw and one tooth of his lower jaw and also other injuries.

3. Considering the fact that the incident has taken place in 1993, i.e.past more than 10 years and also considering the fact that the accused/revision petitioner is aged 70 years, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- and in default to undergo simple imprisonment for six weeks. The revision petitioner shall appear before the Judicial First Class Magistrate Court, Vadakkancherry on 18-4-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.891 OF 1998

ORDER

12-3-2007